

McKENZIE MUNICIPAL-REGIONAL PLANNING COMMISSION
9 OCTOBER 2014 CALLED MEETING AGENDA
McKENZIE MUNICIPAL COMPLEX @ 4:30 PM

- I. Call to Order
- II. Roll Call / Establishment of a Quorum
- III. New Business
 - A. Review of the William Myers Rezoning Request Pertaining to Property located at 423 Stonewall Street
- IV. Adjournment



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MEMORANDUM

TO: McKenzie Municipal-Regional Planning Commission
FROM: Shelton I. Merrell, Regional Planner
DATE: 1 October 2014
SUBJECT: STAFF REPORT FOR THE OCTOBER AGENDA ITEMS

NEW BUSINESS

1. Review of the William Myers Rezoning Request

Background:

Mr. William Myers has requested that property located at 423 Stonewall Street be rezoned to an undesignated business district. The property is currently zoned R-1 (Low Density Residential) and contains 38,988.3 square feet. It does not appear to be within an area of one percent (1%) chance of periodic flooding and contains an existing residential structure. The subject property is owned by Elizabeth Ellis and is further described as tax parcel 015.00, group "J", Carroll County tax map 012L.

Analysis:

Mr. Myers has submitted the rezoning application in order to repair automobiles on the existing property in which he lives on Stonewall Street. The Tennessee Property Data Assessment Page illustrates the following concerning the subject property:



Tennessee Property Data Assessment Page Illustration for Tax Parcel 015.00, Carroll County Tax Map 012L, Group "J"

The B-3 (Central Business District) is located east of Stonewall Street and does not permit automobile repair services. The other nearest business / commercial district to the subject property is the B-1 (Local Business) District. It's located along Walnut Avenue and provides for the following:

11-701. B-1 (Local Business) Districts. *Within the B-1 (Local Business) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:*

1. *Uses Permitted.*
 - (a) *Retail sales: bakery and dairy products; drug and pharmaceutical; florist shops; gift shops; book stores; groceries;*

hardware; hobby shops; decorator's shop, camera shop; and automobile sales; packaged liquor stores provided the following:

- (i) *No packaged liquor store shall be permitted to locate within 300 feet from an existing or pre-existing public or private school, or established place of worship;*
 - (ii) *Must be located on an arterial status road as adopted on the McKenzie Major Road Plan Map;*
 - (iii) *For the purpose of this section, measurements shall be made in a straight line from property line to property line.*
 - (b) *Services: Banks; savings and loan associations; barber shops; beauty shops; funeral homes; automobile service stations; laundry and dry cleaning pick-up stations and self service laundry and dry cleaning facilities; business and professional offices; radio and television sales and service; shoe repair; restaurants, family day care, group day care, and day care centers.*
 - (c) *Churches; and, federal, state and municipal uses.*
 - (d) *Outdoor advertising signs and advertising structures.*
 - (e) *Any accessory use or building customarily incidental to the above permitted uses.*
2. *Uses Permitted on Appeal.*
- (a) *Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.*
3. *Uses Prohibited.* *Any use not specifically permitted or permissible on appeal in this Section.*

The aforementioned B-1 (Local Business) District does not permit automobile repair shops. This district permits automobile service stations which are gasoline or fueling stations for automobiles. The B-2 (Highway Business) District provides for the following uses permitted:

11-702. B-2 (Highway Business) Districts. *The purpose and intent of these districts are to provide adequate space in appropriate locations along major arterial roads for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these establishments tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts as much as possible. Also, all developments within these districts shall have access on frontage (service), or marginal access roads in order to secure sufficient traffic flow along major arterial roads. Within the B-2 (Highway Business) Districts shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:*

1. *Uses Permitted.*
- (a) *Retail sales; automobile sales; automobile parts; bakery and dairy products; drug and pharmaceuticals; florists*

shops; gift shops; book stores; newspaper stands; groceries; hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor coverings and draperies; seed and feed; nursery and greenhouses; and packaged liquor stores provided the following:

- (i) No packaged liquor store shall be permitted to locate within 300 feet from an existing or pre-existing public or private school, or established place of worship;*
- (ii) Must be located on an arterial status road as adopted on the McKenzie Major Road Plan Map;*
- (iii) For the purpose of this section, measurements shall be made in a straight line from property line to property line.*
- (b) Services: automobile repair; animal hospital and veterinarian clinic; commercial recreation; banks; savings and loan association; barber shops; beauty shops; funeral home; automobile service station; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants, family day care, group day care, and day centers.*
- (c) Churches; and, federal, state and municipal uses.*
- (d) Outdoor advertising signs and advertising structures.*
- (e) Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than ten (10) operatives are employed in such manufacture.*
- (f) Any accessory use or building customarily incidental to the above permitted uses.*

2. *Uses Permitted on Appeal*

- (a) Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.*

3. *Uses Prohibited.* Any use not specifically permitted or permissible on appeal in this Section.

This district does permit automobile repair shops. However, it is designated for properties that are located along highways solely. The B-4 (Impact Business) District permits Adult-oriented businesses. Due to this, staff will not include this district's entire list of uses permitted. The P-B (Planned-Business) District provides for the following:

11-705. P-B (Planned Business) Districts. *Planned business districts are intended to permit the development of business uses in areas of the city where additional site development controls are necessary because of the character of the area and the compatibility of the proposed uses*

with the existing adjacent uses or zoning districts. It is intended for the development of a planned and organized group of compatible uses under a commonly designed site plan.

1. Procedures

- (a) *Before a permit is issued for any use permitted by right, or on appeal, the site plan of the proposed development shall be reviewed and approved by the McKenzie Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.*
- (b) *In order that the Planning Commission may make an accurate determination of the character of the proposed use the applicant shall submit an accurately and legibly drawn site plan showing proposed buildings, parking and access facilities, use of proposed buildings, landscaping, location and general design of outdoor advertising and the front (street) elevation of proposed buildings.
The Planning Commission may make other reasonable requirements for information when necessary.*
- (c) *The Planning Commission shall meet and act upon any application within forty-five (45) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied the Planning Commission shall state the reasons for such action in writing and they shall be entered in the official records of the Planning Commission.*

2. Uses Permitted

- (a) Retail sales: *bakery and dairy products; beverages stores; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries; hardware; clothing and drygoods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air-conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; music stores; motorcycle and bicycle sales and services; department stores and general merchandise; variety stores; and, video stores.*
- (b) Services: *Banks, savings and loan associations; barber shops; beauty shops; laundry and dry cleaning pick-up stations; self-service laundry and dry cleaning; medical offices, business and professional offices; radio and television sales and service; shoe repair; hotels and motels; restaurants; photography studios; movie theaters; tailoring and dressmaking; watch repair; family day care, group day care; and day care centers.*
- (c) *Churches; civic clubs and lodge halls; federal, state and municipal uses.*
- (d) *Outdoor advertising signs and advertising structures.*

- (e) *Any accessory use or building customarily incidental to the above permitted uses.*
- (f) *Automobile sales and service accessory thereto and automobile service stations provided that they are part of a unified development of at least two (2) acres in size.*

The P-B (Planned Business) District only permits automobile sales and service as an accessory to automobile service stations.

Staff has the following conclusions:

- 1) The adopted 2029 McKenzie Municipal-Regional Land Use and Transportation Plan Future Land Use Map illustrates the subject property as low density residential;
- 2) The only business district that permits the requested use is the B-2 (Highway Business) District. However, the subject property is not located along a highway;
- 3) The aforementioned William Myers rezoning request appears to be a spot zoning due to it only containing one property and not abutting to an existing business district.

In order for the rezoning request to conform to the existing City of McKenzie Development standards the following must occur:

- 1) The 2029 McKenzie Municipal-Regional Land Use and Transportation Plan Future Land Use Map would have to be amended to illustrate the subject property becoming designated for business;
- 2) The adjacent properties including Tax Parcels 013.00 and 014.00, Carroll County Tax Map 012L, Group "J" owned by South Central Bell would also have to be included within an amendment to the 2029 McKenzie Municipal-Regional Land Use and Transportation Plan Future Land Use Map. The following illustration depicts these properties:



Tennessee Property Data Assessment Page Illustration for Tax Parcels 013.00 & 014.00, Carroll County Tax Map 012L, Group "J"

- 3) A text amendment would have to be made to either the B-1 or P-B districts in order to allow for automobile repair services.

Staff has mentioned the subject area should be restudied during the review of the 2029 McKenzie Municipal-Regional Land Use and Transportation Plan Future Land Use Map. That was due to the South Central Bell properties as well as the land use pattern established on the other side of Stonewall Street. At the end of the day, this is a local community values decision.

Recommendation:

Staff recommends the Planning Commission to send the Board of Mayor and Council a negative recommendation regarding the William Myers request as currently presented on

the submitted application due to the proposal being a proposed spot zoning, it not conforming to the existing plan, and there being a text amendment for the needed business district designation.